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Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 IO-13 ACDA-07 CIAE-00
DODE-00 NSAE-00 NSCE-00 SSO-00 USIE-00 INRE-00
PM-05 H-01 INR-07 L-03 PA-01 PRS-01 SP-02 SS-15
DHA-05 /073 W
----------030762 091603Z /43
O R 091500Z SEP 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC IMMEDIATE 1296
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USBERLIN
USMISSION NATO

C O N F I D E N T I A L SECTION 01 OF 02 BONN 14767

E.O. 11652: GDS
TAGS: BQG, PGOV
SUBJECT: AD REF AGREEMENT REACHED ON REPLY TO SOVIET
PROTEST ON LORENZ TRIAL

REFS: (A) PARIS 25732
(B) BONN 14139
(C) BONN 13456
(D) BONN 13242
(E) PARIS 23668
(F) STATE 143434
(G) BONN 8505
(H) STATE 180322

BEGIN SUMMARY: BONN GROUP HAS REACHED AD REF AGREEMENT
ON TEXT OF DRAFT REPLY TO JULY 1977 SOVIET DEMARCHES
ON LORENZ PROSECUTION. SUBJECT TO CONFIRMATION BY
PARIS, FRENCH HAVE ALSO AGREED ON THE TEXT OF THE
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ALLIED PRESS STATEMENT TO BE DELIVERED IN BERLIN.
DELIVERY OF THE REPLY TO SOVIET DEMARCHE, AS WELL AS
ISSUANCE OF ALLIED AND FRG PRESS STATEMENTS, MUST
(AT FRENCH INSISTENCE) AWAIT A SATISFACTORY FRG
RESPONSE TO THE REQUEST THAT OBERLE BE APPOINTED TO
HEAD THE PROSECUTION TEAM. FRG REP IN BONN GROUP HAS
INDICATED THE JUSTICE MINISTRY, AT WORKING LEVEL,

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HAS RECOMMENDED TO JUSTICE MINISTER VOGEL THAT HE AGREE TO THIS STEP. ACTION REQUESTED: DEPARTMENT'S APPROVAL OF TEXT OF REPLY TO SOVIETS AND, SUBJECT TO FRG CONFIRMATION THAT OBERLE WILL BE APPOINTED TO HEAD PROSECUTION TEAM, APPROVAL OF DELIVERY OF REPLY BY ASSISTANT SECRETARY VEST. END SUMMARY

1. THE LORENZ TRIAL WAS DISCUSSED AT THE SEPTEMBER 7 BONN GROUP MEETING. IN RESPONSE TO A QUESTION, THE FRG REP (VON BRAUNMUEHL) SAID THAT THE CHANCELLERY HAD NOT YET RECEIVED A REPLY FROM THE MINISTRY OF JUSTICE (MOJ) REGARDING THE SEVERAL ALLIED PROPOSALS (THE FOUR UK POINTS) (REF B). HE TOLD US "PRIVATELY AND CONFIDENTIALLY" THAT A POSITIVE REPLY, WHICH MEETS THE ALLIED REQUESTS, HAD BEEN DRAFTED IN THE MOJ AND GIVEN TO MINISTER VOGEL. HOWEVER, VOGEL WAS PRESENTLY PREOCCUPIED WITH THE SCHLEYER KIDNAPPING AND HAD NOT YET SENT THE LETTER. OF THE FOUR POINTS, ONLY THE REQUEST THAT OBERLE BE APPOINTED TO HEAD THE PROSECUTION TEAM HAS NOT BEEN FINALLY AGREED TO BY THE FRG.

2. DISCUSSION TURNED TO THE DRAFT ALLIED PRESS STATEMENTS. THE FRENCH REP (RICHARD) SAID THAT, AFTER REVIEWING THE MATTER, PARIS HAD ACCEPTED THE ARGUMENTATION ADVANCED FOR KEEPING THE REFERENCE TO "BERLIN LAW" (REF C, PARAGRAPH 9). HE ALSO SAID THAT WHILE THE QUAI CONFIDENTIAL

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HAD NOT OFFICIALLY REACHED A DECISION ON THE DELETION OF THE REFERENCE TO BK/O(51)63 (REFS D AND E), PARIS SEEMED CONVINCED BY THE AMERICAN ARGUMENT (COMMENT: WE APPRECIATE EMBASSY PARIS' ASSISTANCE) AND WOULD PRESUMABLY ACCEPT THE DELETION.

3. A PROPOSED REPLY TO THE SOVIET JULY, 1977 DEMARCHES IN CAPITALS (DELIVERED IN WASHINGTON TO ASSISTANT SECRETARY VEST ON JULY 30; REF H) WAS DISCUSSED AND IT WAS AGREED TO RECOMMEND THE TEXT SET OUT BELOW TO CAPITALS. THIS TEXT IS TAKEN FROM THE DRAFT REPLY (REF G) WHICH WAS APPROVED BY CAPITALS BUT NEVER DELIVERED, TO THE SOVIET PROTEST OF JANUARY 28, 1977 (REF F AND PREVIOUS). AT FRENCH INSISTENCE, HOWEVER, IT WAS AGREED TO RECOMMEND THAT USE OF THE REPLY BE HELD UP UNTIL THE FRG HAD GIVEN ASSURANCE THAT OBERLE WOULD BE APPOINTED TO HEAD THE PROSECUTION TEAM.

BEGIN TEXT

WITH REFERENCE TO THE STATEMENT WHICH YOU MADE ON ... JULY CONCERNING THE ROLE OF THE OFFICE OF THE

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FEDERAL PROSECUTOR IN BERLIN IN THE TRIAL OF CERTAIN
PERSONS ACCUSED OF THE KISNAPPING OF HERR PETER LORENZ,
I WISH TO SAY THAT THE COMPETENCE OF THE BERLIN OFFICE

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O R 091500Z SEP 77
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AMEMBASSY PARIS
USMISSION USBERLIN
USMISSION NATO

C O N F I D E N T I A L SECTION 02 OF 02 BONN 14767

OF THE FEDERAL PROSECUTOR, WHICH IS TO CONDUCT THE
PROSECUTION, DERIVES FROM LEGISLATION TAKEN OVER BY
THE BERLIN LEGISLATURE IN ACCORDANCE WITH ESTABLISHED
PROCEDURES AND IS EXPRESSLY SUBJECT TO ALLIED RIGHTS
AND RESPONSIBILITIES. THE ACTIVITIES OF THE OFFICE OF
THE FEDERAL PROSECUTOR WHEN EXERCISING THIS COMPETENCE
ARE NOT ACTS PERFORMED IN EXERCISE OF DIRECT STATE
AUTHORITY OVER THE WESTERN SECTORS OF BERLIN AND ARE
IN NO WAY INCONSISTENT WITH THE QUADRIPARTITE AGREEMENT
OF 3 SEPTEMBER 1971.

END TEXT

4. THERE WAS ALSO SOME DISCUSSION AS TO WHEN THE FRG
AND ALLIED PRESS STATEMENTS (WHICH ARE ALSO BEING
DELAYED FOR THE SAME REASON AS THE DELIVERY OF THE

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REPLY TO THE SOVIETS) WOULD BE ISSUED. THE US
REP NOTED THAT PUBLICITY SEEMED TO INCITE SOVIET
RESPONSES AND A CASE COULD BE MADE FOR DELAYING THE
PRESS STATEMENTS UNTIL THERE WAS ADDITIONAL PUBLICITY
WHICH IT WAS NECESSARY TO COUNTER. VON BRAUNMUEHL
CONCURRED BUT THE UK REP (EYERS), SUPPORTED BY RICHARD,
ARGUED THAT THE PURPOSE OF THE PRESS STATEMENTS IN THE
FIRST PLACE WAS TO HAVE SOMETHING PUBLIC WHICH WOULD
BUTTRESS OUR FORMAL REPLY TO THE SOVIETS AND TO
WHICH THE ALLIED OFFICIALS DELIVERING THE REPLY COULD
MAKE AN ORAL REFERENCE. A CONSENSUS WAS REACHED THAT
THE PRESS STATEMENTS SHOULD BE ISSUED AS SOON AS POSSIBLE
WITH THE FRG CAVEAT THAT A DECENT INTERVAL AFTER THE
SCHLEYER KIDNAPPING SHOULD BE ALLOWED TO ELAPSE.
IT WAS NOTED THAT THE ISSUANCE OF THE PRESS STATEMENTS
IS STILL AWAITING PARIS' APPROVAL AND THAT IT MAY BE
POSSIBLE TO STRENGTHEN THE FRG PRESS STATEMENT, DEPEND-
ING ON THE FRG RESPONSE TO THE ALLIED RESPONSE ON
OBERLE.

5. COMMENT: ALTHOUGH PROGRESS IS GRUDGINGLY SLOW,
THIS APPEARS TO BE ANOTHER STEP FORWARD. WHILE IT WILL
STILL BE NECESSARY TO OBTAIN CAPITALS' FINAL APPROVAL
OF THE DELIVERY OF THE REPLY TO THE SOVIETS AFTER THE
FRG RESPONSE HAS BEEN RECEIVED, TIME WILL OBVIOUSLY
BE SAVED IF THE TEXT OF THE REPLY CAN BE AGREED UPON
NOW.

6. ACTION REQUESTED: DEPARTMENT'S APPROVAL OF TEXT
OF REPLY TO SOVIETS AND, SUBJECT TO FRG CONFIRMATION
THAT OBERLE WILL BE APPOINTED TO HEAD PROSECUTION TEAM,
APPROVAL OF DELIVERY OF REPLY BY ASSISTANT SECRETARY
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, GOVERNMENT REACTIONS, POLITICAL TRIALS
Control Number: n/a
Copy: SINGLE
Sent Date: 09-Sep-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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Disposition Reason:
Disposition Remarks:
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Executive Order: GS
Errors: N/A
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Film Number: D770327-0338
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From: BONN
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Legacy Key: link1977/newtext/t19770983/aaaacrso.tel
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Office: ACTION EUR
Original Classification: CONFIDENTIAL
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Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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TAGS: PGOV, UR, GE, BQG, BONN GROUP, (LORENZ, PETER)
To: STATE
Type: TE
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